DEPARTMENT OF SOCIAL SERVICES



June 18, 1985

ALL-COUNTY LETTER NO. 85-66

TO:

ALL COUNTY WELFARE DIRECTORS

SUBJECT:

FULL-TIME COLLEGE ATTENDANCE REGULATIONS

REFERENCE: ACL 85-61, ACL 83-87, ACL 83-21

This letter is to provide the County Welfare Departments (CWDs) with instructions relevant to the Full-Time College Attendance Regulations.

Currently, the eligibility requirements for Refugee Cash Assistance/Entrants Cash Assistance (RCA/ECA) or the Refugee Demonstration Project (RDP) includes a test for student status. This requirement is contained in ACL 83-87. Effective July 1, 1985, the attached regulations will formalize the requirement that CWDs in the course of determining eligibility for RCA/ECA or RDP must check whether the applicant is a full-time student or not. As provided in ACL 83-87 and in the enclosed regulations package any member of the RCA/ECA or RDP cash assistance unit who is a full-time student in an institution of higher education shall be ineligible to receive an RCA/ECA or RDP grant. (MPP Section 69-206.5 and 69-213.7).

Student status must be documented in the case file. Attached is a suggested sample of a form that may be used to collect data regarding full-time student attendance status. You may wish to devise your own form for collecting this data; however, you must submit your suggested language to the Office of Refugee Services for approval.

If you have any questions, please call Ms. Laura Williams of my staff at (916) 322-3141.

FO RICHARD C. BAIZ, Deputy Director Government and Community Relations

Attachments

cc: CWDA

GEN 654 (9/79)

FULL-TIME COLLEGE ATTENDANCE STATUS FORM

	IF YOU DO NOR CONTACT		City ALTEN 1			Zip Code
	OR CONTACT OR DISCONTI	י דעייי אללא ייירנ		-		
	PROGRAM REG	Your worker Injed. Pleas Welfase of sc Wlations red	S FORM COMPLETE BY SE READ, SIGN A CHOOL ENFOLLMEN OUTRE VERIFICAT OR ALD. THESE	ND DATE T IT INFORMATION OF SC	, YOUR A HIS FORM IN TION. HEFU HOOL RESOLU	IGEE RESETTLEM MENT IN ORDER
	RECIPIENTS PROJECT GRA	of refugee A NTS WHO ARE	UND ENTRANT CAS FULL-TIME STUD LE TO RECEIVE R	SH ASSISTA DENTS IN A	NCE OR REFU N INSTITUT	KEER TEMOMETERS
	I AUTHORIZE	RELEASE OF	SCHOOL RECORDS	FOR	"	(STUDENT
	(BIRTHDATE)	····	TO	THE SOCIAL	L SERVICES	AGENCY:
٠	ADDRESS	· · · · · · · · · · · · · · · · · · ·				
	ATTUM PTOTAC	SIGNATURE		D _d	(ATC)	
		DIGITATOLE		, A	t I.B.	
	THIS SECTION COMPLETE AN	N IS TO BE C D RETURN TO	OMPLETED BY A THE SOCIAL SER	SCHOOL OFF	TICIAL ONLY CY ADDRESS	. PLEASE ABOVE.
:	IS THE ABOV	e named pers	ON ATTENDING S	CHOOL?	YES	NO
	STUDENT'S A	DDRESS				
	D 12 se term trime	emester hour in those in ester or qua	llment by check s or 12 quarter stitutions using rter hour system	r hours pe ng standar ems	r academic d semester	
	progr progr syste	for institu ress but not	s or 36 quarte; tions using cre using semeste; prorated equiva ademic year	edit hours r. trimest	to measure	ter
	24 cl	ock hours pe	er week for ins	stitutions	using clo	k hours
	frect of cr	t and clock ions is equa edit hours p	rmula is for the hours: If the all to or greate per term divide ar week divided	sum of t than on d by 12 p	he followiz e - the min	ng mber
	A ser	ies of cours or 12 quart	es or seminars er hours in a	which equation o	ual 12 seme f 18 weeks	ster
	The w	ork portion the amount	of a cooperati of work perfor of a full-tim	ve educat:		in the
S	TUDENT IS E	NROLLED FULL	-TIME?	YES	O	
GNATURE OF S				TIT		

Effective on _____

FACE SHEET

(See Instructions on Reverse)

FOR EILING ADMINISTRATIVE REGULATIONS ORD #0984-41 WITH THE OFFICE OF ADMINISTRATIVE LAW RE: MAY 30 10 os 4M ATTACHED ARE REGULATIONS ADOPTED. AMENDED OR REPEALED BY: ADRIGGIRATIVE LA Department of Social Services SAGENCY EEAVE PLANK LEAVE BLANK AGENCY CONTACT PERSON AND POSITION TELEPHONE Dion Webb, Regulations Analyst 445-0313 2. Indicate California Administrative Code Title and specify sections to be amended, adopted, and/or repealed: SECTIONS AMENDED 69-206.1 and 213.7 SECTIONS ADOPTED 69-206.5 SECTIONS REPEALED 3. TYPE OF ORDER (CHECK ONE) Emergency Regular Certificate of Compliance (Attach Finding of Emergency) Other Regulatory Actions: Procedural and Organizational Authority and Reference Editorial Correction Change Citation Change 4. IS THIS ORDER A RESUBMEETAL OF A PREVIOUSLY DISAPPROVED OR WITHDRAWN REGULATION? Yes, if yes give date of previous filling. 5. IS THIS FILING A RESULT OF THE AGENCY'S REVIEW OF EXISTING REGULATIONS? X No Yes 6. IF THESE REGULATIONS REQUIRED PRIOR REVIEW AND APPROVAL BY ANY OF THE FOLLOWING AGENCIES, CHECK THE APPROPRIATE BOX OR BOXES. Building Standards Comm. (Attach Approval) Fair Political Practices Comm. Department of Finance State Fire Marshal (Include FPPC Approval Stamp) (Attach STD, Form 399) (Attach Approval) 7a, PUBLICATION DATE OF NOTICE IN CAUFORNIA ADM STRATIVE NOTICE REGISTER b. DATE OF ADOPTION OF REGULATION(S) C. DATES OF AVAILABILITY OF MODIFIED REGULATION(S) (GOV. CODE SEC. 11346.8(c)) March 1, 1985 May 29, 1985 8. WAS THIS REGULATORY ACTION SCHEDULED ON YOUR AGENCY RULEMAKING CALENDAR? Yes 9. EFFECTIVE DATE OF REGULATORY CHANGES: (SEE GOVERNMENT CODE SECTION 11346.2 AND INSTRUCTIONS ON REVERSE) Effective 30th day after filing with the Secretary of State. Effective on ______ as required by statutes: (fist) _ _ . X Ellective on. July 1, 1985 _(Designate effective date earlier than 30 days after filing with the Secretary of State pursuant to Government Code Section 11346.2(d).) xx Request Attached

State.)

 \sim \sim (Designate effective date later than 30 days after filing with the Secretary of

State of California

MEMORANDUM

To: Office of Administrative Law

1414 K Street, Suite 600 Sacramento, CA 95814

Date: May 30, 1985

Subject: Request for an

Early Effective Date

From: Department of Social Services, Sacramento, CA 95814

The Department of Social Services hereby requests an effective date of July 1, 1985 for the attached Refugee Student Revisions, ORD 0984-41. This request is made in order for the regulations to take effect in conjunction with the implementation of the new federally approved state plan.

Rosalie Clark, Chief

Office of Regulations Development

Attachment

UPDATED INFORMATIVE DIGEST

Currently the eligibility requirements for refugee cash assistance (RCA) do not include a test for student status. These proposed regulations will require CWDs in the course of determining eligibility for RCA+ to check whether the applicant is a full-time student or not. If the applicant is a full-time student, then aid is to be denied. The regulations will also terminate an RCA recipient who becomes a full-time student.

Current Section 69-206.1 identifies Refugee Cash Assistance (RCA) eligibility requirements. Educational attendance is being added to the list of factors that must be considered in determining RCA eligibility.

Section 69-206.5 is being added to define educational attendance and prohibit students from receiving RCA but exempts refugees in full-time SDSS approved training programs.

Section 69-213 requires the termination of aid for those refugees who become full-time students.

FINAL STATEMENT OF REASONS

a) Description of the Public Problem. Administrative Requirement. or Other Condition or Circumstance the Regulations Are Intended to Address

These proposed regulations are intended to disqualify refugees who are full-time students from receiving Refugee Cash Assistances (RCA). This requirement is derived from a federal action transmittal which the Department as part of the state plan agreement is obligated to follow.

b) Specific Purpose of the Regulations and Factual Basis for Determination that Regulations Are Necessary

Section 69-206.1

Specific Purpose:

Currently this section identifies eligibility requirements for aid determination of Refugee Cash Assistance (RCA). Proposed regulations will add the condition of higher education attendance to the list of factors that must be taken into consideration when a determination of RCA; is made.

Factual Basis:

The Refugee Assistance Amendments of 1982. Section 6(b)(4). has made refugees who are full-time students ineligible for RCA. It therefore follows that in order to be consistent with this requirement, the Department's regulations have to be amended.

Section 69-206-5

Specific Purpose:

Proposed regulations will adopt new language to prohibit full-time students from receiving RCA. They also define the term "full-time" and an "institution of higher education." Refugees who by their DSS funded training programs or employability plans are enrolled at an institution of higher education on a full or part-time basis will not be denied RCA.

Factual Basis:

The Refugee Assistance Amendments of 1982 prohibits the expenditure of RCA for full-time students. Federal action transmittal 83-4 clarifies the intent of Public Law 97-363 as it applies to refugees involved in approved training provided at a college or university.

Section 69-213-7

Specific Purpose:

This section is being adopted to require the termination of aid should a refugee who is currently participating in the RCA program become a full-time student.

Factual Basis:

The Refugee Assistance Amendments of 1982 and federal action transmittal 83-4 clearly eliminate refugees from receiving RCA if they hold full-time student status.

- c) Identification of Documents Upon Which Department Is Relying
 - 1. Welfare and Institutions Codes 10553 and 10554.
 - 2. Refugee Assistance Amendments of 1982. (8 USC 1522(e)(2)(B)).
 - 3. Office of Refugee Resettlement. (ORR) Action Transmittal 83-4.
 - 4. Correspondence between SDSS and ORR+ dated; January 3+ 1985+ November 26+ 1984+ June 30+ 1983 and June 13+ 1983.

d) Testimony Summary and Response

These regulations were presented for public comment and review on April 17. 1985. At that time no oral testimony was received, but the county of Santa Clara did provide written comments. The following is the Departments' response.

Section 69-206.511 a-f

Comment:

Currently full-time student status is defined by the institution (this procedure currently operates in the AFDC Program). The proposed definitions are complex and difficult to interpret. The county listed areas where further clarification would be needed in order to implement the regulations.

- 2) Proposed definitions are in the Federal Department of Education regulations. These regulations are not available to county staff.
- Regarding the proposed use of a State form to obtain verification from the school/institution. the county anticipated problems if the school refused to complete the form or returned incomplete forms. or charged the student/county for completion of the form. This could cause delays in the refugee's receipt of aid.
- Santa Clara recommended that the definition of full-time student remain "as defined by the institution."

Responses:

- The Federal Refugee Assistance Amendments of 1) (Public taw 97-363) specify that full-time students in institutions of higher education shall be "as defined by the Director (of ORR) after consultation with the Secretary of Education." Federal Action Transmittal (AT) 83-4 provided the States with these definitions. The proposed regulations were taken verbatim from this The State Office of Refugee action transmittal. Office of Refugee the Federal requested Services Resettlement to allow the current definition to remain: approval of the request was denied.
- 2) Definitions contained in Sections 69-206.51, .511, and .512 are taken verbatim from Federal Department of Education regulations; therefore, there is no need to make copies available to county staff.
- We share the County's concern that schools cooperate in the eligibility verification process. To that effect, the Department plans to work with the State Department of Education to ensure the maximum cooperation possible in order to prevent delays in the refugee's receipt of aid. Further, it is not our intent to mandate a State form for collection of this information; this form will be for voluntary use only. If the institution charges for completion of the form, the county shall be reimbursed from its administrative costs allocation for refugee services.
- 4) In the final analysis, the Department is unable to accept the county's recommendation to keep the current

definition, as Federal law and directives—specify—that the language provided must be used when determining the status of a student in an institution of higher education. The Department however is ready to assist the county in determining eligibility in any situation where an interpretation of the regulations is necessary.

e) Local Mandate Statement

These regulations do constitute a mandate to local agencies but not to any school district.

There are no state mandated local costs in this order that require reimbursement under Section 2231 of the Revenue and Taxation Code because there are no costs within the meaning of Section 2231 of the Revenue and Taxation. Any other costs associated with the implementation of these provisions are mandated by and funded by the Federal Government.

f) Statement of Potential Cost Impact on Public Agencies. Private Persons. or Entities Directly Affected

 The Department of Social Services finds that the adoption of these regulations will result in no cost impact on private persons or businesses directly affected.

[g] Small Business Impact Statement

The Department of Social Services finds that the adoption of these regulations will not have a significant adverse economic impact on small businesses.

69-206

.1 Eligibility Factors

Requirements of categorical relatedness applicable to the AFDC Program are waived for aid payments assistance under RCA (see Section 69-203.4) and aid shall be granted without regard to the presence of children. age or number of hours worked. Factors which must be considered in determining eligibility are: time eligibility (69-206.21); refugee status (69-203.1); income and resources (69-207); income eligibility (69-206.4) attendance in an institution of higher education (69-205); and registration. employment and employment-directed educational/training requirements (69-208). In addition to these factors, as a condition for receiving assistance, the applicant/recipient shall, if applicable, provide the name of his/her sponsor or responsible vOLAG.

- 2 (Continued)
- .3 (Continued)
- _4 (Continued)
- -5 Full-time Student in an Institution of higher Education
 - •51 <u>Full-time students in a college program in an institution of higher education are not eligible for RCA.</u>
 - .511 A full-time student is a student attending an institution of higher education at least:
 - a. 12 semester hours or 12 quarter nours per academic term in those institutions using standard semester. trimester or quarter nour systems:
 - 24 semester hours or 36 quarter nours Der academic year for institutions using credit nours to measure progress but not using semester, trimester or quarter systems. Or the programs of less than one academic year:
 - 24 clock hours per week for institutions using clock hours:

- Ine following formula for those institutions using both credit and clock hours: If the sum of the following fractions is equal to or greater than one the number of credit hours per term divided by 12 plus the number of clock hours per week divided by 24:
- A series of courses or seminars which equal 12 semester hours or 12 quarter hours in a maximum of 18 weeks: or
- f. The work portion of a cooperative education program in which the amount of work performed is equivalent to the academic workload of a full-time student.

.512 An "institution of higher education" is a:

- a. Public or private nonprofit educational institution which provides:
 - 1. An educational program for which it awards an associate, baccalaureate, graduate, or professional degree; or
 - 2. At least a two-year program which is acceptable for full credit toward a baccalaureate degree: or
 - At least a one-year training program which leads to a certificate or degree and prepares students for gainful employment in a recognized occupation; or
- Proprietary Institution of higher education which provides at least a six-month program of training to prepare students for gainful employment in a recognized occupation; or
- Post secondary vocational institution which is a public or private nonprofit educational institution and provides at least a six-month program of training to prepare students for gainful employment in a recognized occupation.
- •52 Refugees who are enrolled and participating in DSS-funded training programs offered at an institution of higher education on a full-time basis as part of an

employability plan developed by the CWD or its designed, when such training is less than one year, shall not be denied or discontinued from RCA.

Refugees who are enrolled and participating in DSS-funded training programs offered at an institution of higher education on less than a full-time basis as part of an employability plan developed by the CWD or its designee, when such training is less than one year in duration, shall not be denied or discontinued from RCA when attendance in classes in a college program offered at the institution results in full-time status.

Authority: Welfare and Institutions Code Section 10553 and

Reference: Welfare and Institutions Code Section 10553 and 19554.

69-213 TERMINATION OF AID (Continued)

69-213

A refugee becomes a full-time student in a college program in an institution of higher education, except as provided in Sections 69-206.52 and .53.

Authority: Welfare and Institutions Code Sections 10553 and

10554.

Reference: Nelfare and Institutions Code Sections 10553 and

10554.

4